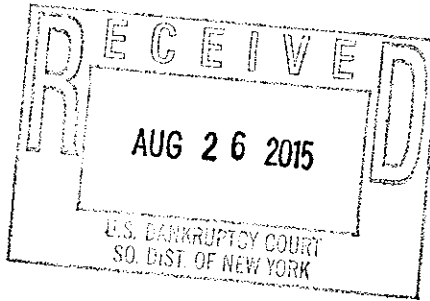


To: The Clerk of Court (Judge Martin Glenn)  
US Bankruptcy Court  
Southern District of New York



1 Bowling Green  
Alexander Hamilton Custom House  
New York, New York 1004-1408

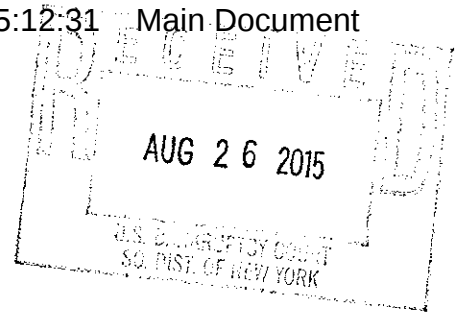
Re: Case # 12-12020 (MG)  
Creditors Expedited Motion for Conference/  
Clarity of issue of Discovery & Interrogations,  
And Adjournment of Omnibus Objection Hearing  
to Dec. 3, 2015.

Date: 08/24/15

Please enclosed for filing with the court is the  
above stated Creditors ~~response to~~ Expedited Motion for  
Conference.

Pls do file accordingly.

Thanks from  
Sylvia E. Matos  
Tel (574) 992-9991  
(574) 791-7355



**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:

Case No. 12 – 12020

RESIDENTIAL CAPITAL, LLC, et al

Chapter 11

Debtors

**CREDITORS EXPEDITED MOTION FOR CONFERENCE/ CLARITY OF  
ISSUE OF DISCOVERY AND INTERROGATORIES;  
AND ADJOURNMENT OF OMNIBUS OBJECTION HEARING TO  
DECEMBER 3, 2015 ON CLAIMS Nos. 3910 & 4085 – Philip Emiabata  
and Sylvia Emiabata**

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TO THE HONORABLE JUDGE MARTIN GLEN:

The creditors Philip Emiabata and Sylvia Emiabata hereby bring this Expedited Motion for Conference/ Clarity of issues arising from discovery, interrogations; and adjournment of Omnibus Hearing.

1. Per the issues referred in their most recent filed document dated August 12, 2015 regarding issues of discovery, interrogations and the difficulty, handicap; thereof of creditors hands being tied to fully defend this eighty- second omnibus objection to claims by the debtors/Rescap Borrower's Claim Trust. (See paragraphs 1-13 of Creditors/ Claimants Response to the Supplemental Objection and Reply of Rescap Borrower Claims Trust's Eighty-second Omnibus Objection to Claims –Nos. 3910 & 4085 of Philip Emiabata and Sylvia Emiabata).
2. And these issues of time for discovery and discovery itself has also been previously raised in several of creditors documents filed with this court- Doc # 8822; Doc. # 8821. Where creditors have stated interalia that they cannot be able to put up a full answer/ response to debtors omnibus objection to claim.  
And creditors even as far back as June 1, 2015 when creditors put their partial response (Opposition); creditors asserted their legal rights to amend, add, et al to their original response after they must have gotten their discovery, interrogations. See para. 2 of creditors document dated June 1, 2015 supra.
3. With all these pending and a hearing on this debtors omnibus objection slated for September 3, 2015; one wonders how this court can hear this omnibus when the creditors have not put a full defense provided to them by law. Not when the same debtors/their counsels are putting barriers for creditors to put a full defense – Discovery supra.
4. **Issue of res judicata (Adjudication)** Creditors case was pending in Federal District court of Massachusetts before the debtors went into bankruptcy. The case was not adjudicated –

pleadings, discoveries, et al. It was only closed on the ground that this court can be able to resolve all the legal, material facts of the stated District court case.

**But here one wonders how this court can resolve all these merely base on omnibus objection without discovery. Moreso when one party ( herein the creditors) have asked that these discoveries/ Interrogations are inextricable linked to their answers or opposition to the debtors omnibus objection to claim.**

5. The court should adjourn the Omnibus Hearing slated for September 3, 2015 to Thursday December 3, 2015. We belief within this three months' time, all issues that prevent creditors from putting their full defense (opposition) will be resolved.
6. Since time is very crucial here in view of the omnibus hearing coming up on September 3, 2015. Thus the court should quickly consider this creditors Expedited Motion for Conference and for Adjournment of Hearing of Omnibus to December 3, 2015 ;

Conference Date /Time: Thursday August 27, 2015. Time: 12 – 2pm CDT  
OR;

Friday August 28, 2015. Time : 12 -1pm CDT  
Telephone: (512) 791-2395

**Wherefore** creditors respectfully ask the court to grant this Motion.

August 24, 2015

Respectfully Submitted

/s/ Philip Emiabata and Sylvia Emiabata

Philip Emiabata; Sylvia Emiabata

508 Evening Grosbeak Drive ,

Pflugerville TX 78660

## CERTIFICATE of SERVICE

A Copy of this 'Creditors Expedited Motion for Conference / Clarity of issue of Discovery and Interrogatories and Adjournment of Omnibus Objection.....' was served on August 24, 2015 to the named below:-

Morrison & Foerster LLP  
250 West 55th Street  
New York, New York 10019  
~~Attn: Blomman~~ Scott Rosenbaum  
Jordan A. Wisniew  
Jessica A. Anett

\* N.B AND ALSO VIA FAX

